


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number: 12732-182001
I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450. _____ Date of Deposit _____ Signature _____ Typed or Printed Name of Person Signing Certificate	Application Number 10/724,872	Filed December 2, 2003
	First Named Inventor Yu Yamazaki et al.	
	Art Unit 2815	Examiner Joseph H Nguyen
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record <u>37,640</u> (Reg. No.)</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> </div> <div style="width: 45%; text-align: center;">  _____ Signature _____ John F. Hayden _____ Typed or printed name _____ (202) 783-5070 _____ Telephone number _____ January 8, 2007 _____ Date </div> </div> <p style="font-size: small; margin-top: 20px;">NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>		
<input checked="" type="checkbox"/> Total of 4 forms are submitted.		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Yu Yamazaki et al.	Art Unit :	2815
Serial No. :	10/724,872	Examiner :	Joseph H Nguyen
Filed :	December 2, 2003	Conf. No. :	1640
Title :	LIGHT EMITTING DEVICE		

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to United States Patent and Trademark Office OG Notices: 12 July 2005 - New Pre-Appeal Brief Conference Pilot Program, a request for a review of identified matters on appeal is hereby submitted with the Notice of Appeal. Review of these identified matters by a panel of examiners is requested because the rejections of record are clearly not proper and are without basis, in view of a clear legal or factual deficiency in the rejections. All rights to address additional matters on appeal in any subsequent appeal brief are hereby reserved.

Claims 1-32 are pending in the application, with claims 1, 8, 15 and 16 being independent. Claims 1-14 and 29-30 have been rejected as being unpatentable over Yamazaki (U.S. Patent Publication No. 2001/0055384) in view of Kota (U.S. Patent Publication No. 2002/0044782). Claims 15-28, 31 and 32 have been rejected as being unpatentable over Yamazaki in view of Kota and Yamanaka (U.S. Patent No. 6,304,309). Applicant requests withdrawal of these rejections.

Applicant specifically asks the panel to review the issues highlighted below.

1. Neither Yamazaki, Kota, nor any proper combination of the two describes or suggests first and second pixel portions that are located over a common substrate and emit light in opposite directions, as recited in each of rejected independent claims 1 and 8.

Claim 1 recites a light emitting device that includes a first pixel portion having a matrix of first pixels over a substrate and a second pixel portion having a matrix of second pixels over the substrate, with light emitting elements of the first pixels emitting light in a direction opposite to a direction of light emission of light emitting elements of the second pixels. A driver circuit is positioned between the first pixel portion and the second pixel portion. Claim 8 recites a similar arrangement in which the light emitting elements of the first pixels emit light from a surface of the substrate in a direction from a back of the substrate to the surface of the substrate, and the light emitting elements of the second pixels emit light from the back of the substrate in a direction from the surface of the substrate to the back of the substrate.

Yamazaki shows a light emitting element that emits light from the back of the substrate in Fig. 22 and a light emitting element that emits light from the front of the substrate in Fig. 24. However, Yamazaki never describes or suggests including both light emitting elements over a single substrate.

Kota also fails to describe or suggest including light emitting elements that emit light in opposite directions over a common substrate. Nor does Kota provide any motivation for combining the light emitting elements of Yamazaki's Figs. 22 and 24 to place them over a common substrate.

Accordingly, for at least these reasons, the rejection of claims 1-14 and 29-30 should be withdrawn.

2. Neither Yamazaki, Kota, nor any proper combination of the two describes or suggests first and second pixel portions that are located over a common substrate with a driver circuit positioned between them.

Recognizing that Yamazaki does not describe or suggest a driver circuit between pixel portions, the rejection relies on Fig. 4 of Kota as showing a driver circuit 3 between a pixel

portion 1a and a pixel portion 1b. However, as is clear from Fig. 4 of Kota, the row driving circuit 3 is not located between the pixel portions 1a and 1b. Rather, Fig. 4 shows a traditional arrangement in which the row driving circuit 3 is positioned next to a pixel array that includes first and second pixel portions 1a and 1b that are adjacent to one another. The row driving circuit 3 is in no way between the pixel portions 1a and 1b.

In the advisory action, the Examiner responds to this argument by stating:

It is noted that the driver circuit 3 may be next to first and second pixel portions 1a, 1b but also extends between first and second pixel portions. As such, the driver circuit 3 can be construed as "between first and second pixel portions" in a broad interpretation herein.

In response, applicant notes that Kota provides no indication that the driver circuit 3 extends between the first and second pixel portions 1a and 1b and that the Examiner's "broad interpretation" is not a reasonable interpretation since it ignores the well understood definition of "between."

Accordingly, for at least these additional reasons, the rejection of claims 1-14 and 29-30 should be withdrawn.

3. Yamanaka does not remedy the failure of Yamazaki and Kota to describe or suggest first and second pixel portions that are located over a common substrate with a driver circuit positioned between them and emit light in opposite directions.

Like claims 1 and 8, each of independent claims 15 and 16 recites a light emitting device having a driver circuit between first and second pixel portions that emit light in opposite directions. Accordingly, applicant requests reconsideration and withdrawal of the rejection of claims 15-28, 31 and 32 for the reasons discussed above and because Yamanaka does not remedy the failure of Yamazaki and Kota to describe or suggest these aspects of the claims.

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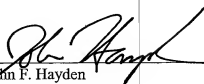
Attorney's Docket No.: 12732-182001 / US6800

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Respectfully submitted,

Date: _____

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